

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 RICHARD KLEINHAMMER,) CASE NO: CV-08-3843 JFW (JEM)
11 Plaintiff,) **JUDGMENT**
12 v.)
13 CALIFORNIA DEPARTMENT OF)
14 CORRECTIONS AND)
15 REHABILITATION, et al.,)
16 Defendants.)

17 WHEREAS, the Court having granted Defendant
18 California Department of Justice's motion to dismiss
19 Plaintiff Richard Kleinhammer's "Complaint Under 42 U.S.C
20 Section 1983, (1st, 5th 8th, 13th and 14th Amendments,
21 U.S. Const. Art 1 Section 10) Concerted Harassment,
22 Emotional Distress, Defamation, Permanent Injunction and
23 Declaratory Relief" ("Complaint") as to all claims
24 without leave to amend as set forth in the Court's Order
25 Adopting Findings, Conclusions, and Recommendations of
26 United States Magistrate Judge (filed July 30, 2009;
27 Docket No. 78); and
28 / / /

1 WHEREAS, the Court having granted Defendant
2 California Department of Corrections and Rehabilitation
3 and California Board of Parole Hearings' motion to
4 dismiss Plaintiff's Complaint as to all claims without
5 leave to amend as set forth in the Court's Order Adopting
6 Findings, Conclusions, and Recommendations of United
7 States Magistrate Judge (filed July 30, 2009; Docket No.
8 78); and

9 WHEREAS, the Court having granted the motion to
10 dismiss Plaintiff's "Complaint Under 42 U.S.C. Section
11 1983, (1st, 5th, 8th, 13th and 14th Amendments, U.S.
12 Const. Art 1 Section 10), Unconstitutional Conviction and
13 Parole Revocation, RICO Racketeering, 18. U.S.C Section
14 1961 Through 1968, Concerted Harassment, Emotional
15 Distress, Defamation, Permanent Injunction and
16 Declaratory Relief" ("First Amended Complaint") brought
17 by Defendants George Scarborough and Keith Dann as to all
18 Defendants and as to all claims without leave to amend as
19 set forth in the Court's Order Adopting Findings,
20 Conclusions, and Recommendations of United States
21 Magistrate Judge (filed September 1, 2010; Docket No.
22 127); and

23 WHEREAS, the Court having granted the motion to
24 dismiss Plaintiff's First Amended Complaint brought by
25 Defendants the California Department of Corrections and
26 Rehabilitation, Matthew Cate, Shirley Poe, Edward
27 Freeman, Nancy Silva, Marcie Fontes, Thomas Rodriguez,
28 Karla Tomasini, and Daniel Faye as to all Defendants

1 except Nancy Silva, Thomas Rodriguez, Karla Tomasini and
2 Marcie Fontes without leave to amend, and as to all
3 claims except Claims Five, Seven, Eight, Nine, Twelve and
4 Thirteen without leave to amend, as set forth in the
5 Court's Order Adopting Findings, Conclusions, and
6 Recommendations of United States Magistrate Judge (filed
7 September 1, 2010; Docket No. 127); and

8 WHEREAS, the Order filed September 1, 2010, gave
9 Plaintiff leave to amend the Seventh Claim for defamation
10 as to Defendants Nancy Silva and Thomas Rodriguez, the
11 Eighth Claim for intentional infliction of emotional
12 distress as to defendants Nancy Silva, Thomas Rodriguez,
13 Karla Tomasini and Marcie Fontes, and the Ninth Claim for
14 conspiracy based on plaintiff's parole revocation as to
15 Defendants Nancy Silva, Thomas Rodriguez, Karla Tomasini
16 and Marcie Fontes, and Plaintiff having elected to stand
17 on the allegations of the First Amended Complaint with
18 respect to those claims, those claims are dismissed with
19 prejudice; and

20 WHEREAS, plaintiff having filed a "Complaint Under 42
21 U.S.C. Section 1983, (8th Amendments), RICO Racketeering,
22 18. U.S.C Section 1961 Through 1968, Punitive Damages,
23 and State Personal Injury" ("Second Amended Complaint")
24 against Defendants Nancy Silva, Thomas Rodriguez and
25 Karla Tomasini; and

26 WHEREAS, the Court having granted Defendants Nancy
27 Silva, Thomas Rodriguez and Karla Tomasini's Motion for
28 Summary Judgment as to the First and Second Claims in

1 Plaintiff's Second Amended Complaint based on the Court's
2 determination that there was no genuine issue as to any
3 material fact and that Defendants were entitled to
4 judgment as a matter of law on those claims as set forth
5 in the Court's Order Granting Defendants' Motion for
6 Summary Judgment or, in the Alternative, Partial Summary
7 Judgment (filed February 24, 2011; Docket No. 332); and

8 WHEREAS, the Court having dismissed the Third Claim
9 for Relief in Plaintiff's Second Amended Complaint
10 without prejudice on the grounds that the Court declines
11 to exercise supplemental jurisdiction over that state law
12 claim pursuant to 28 U.S.C. § 1367(c) as set forth in the
13 Court's Order Granting Defendants' Motion for Summary
14 Judgment or, in the Alternative, Partial Summary Judgment
15 (filed February 24, 2011; Docket No. 332);

16 IT IS NOW, THEREFORE, HEREBY ORDERED, ADJUDGED AND
17 DECREED that judgment is entered in this action as
18 follows:

19 1. Plaintiff Richard Kleinhammer shall recover
20 nothing from any of the named Defendants;

21 2. Except for Plaintiff's Third Claim for Relief in
22 the Second Amended Complaint, all Defendants shall have
23 judgment in their favor on all claims;

24 / / /

25 / / /

26 / / /

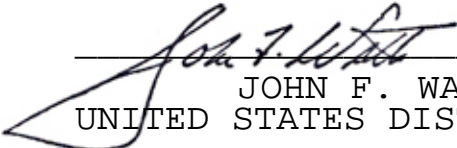
27 / / /

28 / / /

1 3. Defendants shall recover from Plaintiff their
2 costs of suit in the sum of \$_____.

3
4 The Clerk is ordered to enter this Judgment.
5

6
7 DATED: March 15, 2012

8 _____
JOHN F. WALTER
UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28